

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT C. WILSON; TIMOTHY
J. WATTS; CHRISTOPHER T.
CALLAGHAN and PAMELA
BURT, Individually,

Plaintiffs,

-vs-

Case No. 03-72154
Hon: AVERN COHN

TYCO INTERNATIONAL LTD., a foreign
corporation; TYCO INTERNATIONAL (U.S.),
INC., a domestic corporation; TYCO ACQUISITION
CORP., VII, a Nevada corporation; and EARTH
TECH EMS HOLDINGS, INC., a Nevada
corporation d/b/a EARTH TECH, Jointly
and Severally,

Defendants.

_____ /

PRE-TRIAL ORDER

I.

1. This is a breach of contract case.
2. Plaintiffs are: Robert C. Wilson
Timothy J. Watts
Christopher T. Callaghan
Pamela Burt
3. Defendants are: Tyco International, Inc.
Tyco International (U.S.)
Tyco Acquisition Corp., VII
Earth Tech EMS Holdings, Inc.
4. The complaint is in five (5) counts:

Count I - Breach of IQuES Contract
Count II - Breach of PRO Contract
Count III - Negligent Misrepresentation
Count IV - Fraudulent Misrepresentation
Count V - Exemplary Damages

5. Three (3) agreements appear to be involved.

6. The allegations of the complaint and the counts do not differentiate the wrongful acts of each defendant.

II.

7. Pending are five (5) motions as reflected in the attached face pages. The motions include a multitude of papers, including briefs, exhibits, and cases.

III.

The Court will hold a status conference on **Thursday, August 04, 2005 at 2:00 p.m.** to discuss the nature of the case and the pending motions. At the conference, the Court expects to hear from the plaintiffs on the specific acts of wrongdoing by each of the defendants in relationship to each count of the complaint, and from the defendants a concise description of the nature of each of the motions.

The Court further expects that the discussion at the conference will precisely define the issues in the case and strip away the excesses that appear to be present overall. Each side may, if they desire, file a precise description of their respective views of what this case is about, the issues in dispute, and the role of each defendant prior to the conference.

SO ORDERED.

Dated: July 18, 2005

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was sent to counsel of record on this date, July 18, 2005, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ORIGINAL

ROBERT C. WILSON, TIMOTHY
J. WATTS, CHRISTOPHER T.
CALLAGHAN, and PAMELA BURT,
Individually,

Case No. 03-72154
Hon. Avern Cohn

Motion No. 2

Plaintiffs,

vs.

TYCO INTERNATIONAL LTD., a
foreign corporation, TYCO INTERNATIONAL,
(U.S.), INC., a domestic corporation, TYCO
ACQUISITION CORP., VII, a Nevada corporation,
and EARTH TECH EMS HOLDINGS, INC.,
a Nevada corporation, d/b/a EARTH TECH,
Jointly and Severally,

Defendants.

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Attorneys for Defendant Earth Tech
2000 Town Center, Suite 1500
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(248) 353-7620

**DEFENDANTS' MOTION IN LIMINE TO BAR PLAINTIFFS
FROM OBJECTING TO EARTH TECH'S
COMPUTATION OF EBIT AND "ADDITIONAL CONSIDERATION"**

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ORIGINAL

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ROBERT C. WILSON, TIMOTHY
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CALLAGHAN, and PAMELA BURT,
Individually,

Case No. 03-72154
Hon. Avern Cohn

Motion No. 3

Plaintiffs,

vs.

TYCO INTERNATIONAL LTD., a
foreign corporation, TYCO INTERNATIONAL,
(U.S.), INC., a domestic corporation, TYCO
ACQUISITION CORP., VII, a Nevada corporation,
and EARTH TECH EMS HOLDINGS, INC.,
a Nevada corporation, d/b/a EARTH TECH,
Jointly and Severally,

Defendants.

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**MOTION FOR PARTIAL SUMMARY JUDGMENT TO
BAR CONTRACT AND FRAUD CLAIMS BASED ON
"EXHIBIT 2" TO THE PURCHASE AGREEMENT**

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ORIGINAL

ROBERT C. WILSON, TIMOTHY
J. WATTS, CHRISTOPHER T.
CALLAGHAN, and PAMELA BURT,
Individually,

Case No. 03-72154
Hon. Avern Cohn

Motion No. 5

Plaintiffs,

vs.

TYCO INTERNATIONAL LTD., a
foreign corporation, TYCO INTERNATIONAL,
(U.S.), INC., a domestic corporation, TYCO
ACQUISITION CORP., VII, a Nevada corporation,
and EARTH TECH EMS HOLDINGS, INC.,
a Nevada corporation, d/b/a EARTH TECH,
Jointly and Severally,

Defendants.

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**MOTION FOR SUMMARY JUDGMENT FOR PLAINTIFFS' LACK OF PROOF
OF DAMAGES, OR, IN THE ALTERNATIVE, TO BAR EXPERT TESTIMONY
REGARDING ALLEGED DAMAGES**

Defendants, by their attorneys, Seyburn, Kahn, Ginn, Bess and Serlin, P.C., hereby
request that the Court grant their Motion for Summary Judgment for Plaintiffs' Lack of Proof of

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ORIGINAL

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT C. WILSON, TIMOTHY
J. WATTS, CHRISTOPHER T.
CALLAGHAN, and PAMELA BURT,
Individually,

Case No. 03-72154
Hon. Avern Cohn

Motion No. 4

Plaintiffs,

vs.

TYCO INTERNATIONAL LTD., a
foreign corporation, TYCO INTERNATIONAL,
(U.S.), INC., a domestic corporation, TYCO
ACQUISITION CORP., VII, a Nevada corporation,
and EARTH TECH EMS HOLDINGS, INC.,
a Nevada corporation, d/b/a EARTH TECH,
Jointly and Severally,

Defendants.

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**MOTION TO DISMISS CLAIMS AGAINST DEFENDANTS TYCO INTERNATIONAL,
LTD. AND TYCO INTERNATIONAL, INC. AND MOTION IN LIMINE TO BAR
EVIDENCE REGARDING THESE DEFENDANTS**

Defendants, by their attorneys, Seyburn, Kahn, Ginn, Bess and Serlin, P.C., hereby
request that the Court grant their Motion to Dismiss Claims Against Defendants Tyco

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JUDGE'S COPY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT C. WILSON, TIMOTHY
J. WATTS, CHRISTOPHER T.
CALLAGHAN, and PAMELA BURT,
Individually,

Case No. 03-72154
Hon. Avern Cohn

Motion No. 1

Plaintiffs,

vs.

TYCO INTERNATIONAL LTD., a
foreign corporation, TYCO INTERNATIONAL
(U.S.), INC., a domestic corporation, TYCO
ACQUISITION CORP., VII, a Nevada corporation,
and EARTH TECH EMS HOLDINGS, INC.,
a Nevada corporation, d/b/a EARTH TECH,
Jointly and Severally,

Defendants.

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**MOTION FOR PARTIAL SUMMARY JUDGMENT, OR IN THE
ALTERNATIVE, MOTION IN LIMINE, AS TO COUNTS I
AND II (BREACH OF CONTRACT) OF THE COMPLAINT**

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